

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID POEHLER,)
Plaintiff,) NO. 04cv30254-MAP
v.)
JOHN E. POTTER, Postmaster)
General,)
Defendants.)

MOTION TO EXTEND DISCOVERY SCHEDULE
(Assented to)

The defendant, John E. Potter, by his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, moves to extend the deadline for discovery by 30 days for the following reasons:

1. On October 17, 2005, the court granted the government's motion to extend the discovery deadline due to the fact that the plaintiff had not responded to the government written discovery. The court's order required that the plaintiff respond to the defendant's written discovery requests "forthwith" and that all non-expert depositions be completed by November 30, 2005.

2. In an effort to meet the November 30, 2005, deadline, on November 14, 2005, the defendant commenced the deposition of the plaintiff despite the fact that the plaintiff still had not responded to the defendant's written discovery requests. The parties adjourned the deposition, however, as it became apparent

that written discovery responses were needed in order to proceed with the deposition. The parties agreed to reconvene the deposition on November 21, 2005, based on the understanding that the written discovery responses would be furnished to the government before that date.

3. The government canceled the November 21, 2005, deposition because it had not yet received the plaintiff's discovery responses.

4. On November 28, 2005, the plaintiff provided the defendant with his written discovery responses. The responses comprise 21-pages of interrogatory responses and several inches of document production.

5. Given other work commitments this week, the defendant's counsel does not have sufficient time to review the voluminous responses and conduct the deposition prior to today's deadline.

6. The government seeks a 30-day extension of time in order to review the written discovery responses and conduct the deposition while still meeting deadlines in other cases.

In accordance with Local Rule 7.1, the undersigned Assistant U.S. Attorney certifies that she conferred by e-mail with the plaintiff's counsel and he assents to this motion.

WHEREFORE, the defendant respectfully requests that the deadline for non-expert discovery be extended to December 30, 2005.

Respectfully submitted:

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Karen L. Goodwin
Karen L. Goodwin
Assistant U.S. Attorney
1550 Main Street
Springfield, MA 01103
413-785-0235

Dated: November 30, 2005

CERTIFICATION

This is to certify that a copy of the foregoing was mailed this date, postage prepaid, to Edward Pikula, O'Connor, Martinelli, Cullinan & Pikula, 1391 Main Street, Suite 1022, Springfield, MA 01103.

/s/Karen L. Goodwin
Karen L. Goodwin